



Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

TUESDAY, FEBRUARY 8, 2005

Senate

CLASS ACTION FAIRNESS ACT OF 2005, RESUMED

Mr. CARPER. Mr. President, before Senator Grassley leaves the floor, I simply want to say how much I have enjoyed and appreciated the opportunity to work with him on this issue. If we go back 7 years when this idea first took legislative form and look at the changes that have occurred over each of the last three or four Congresses, they have been dramatic.

My goal, and I believe it is a goal many of us share who support the legislation, is to make sure that when what I term little people are harmed by the actions of big companies or small companies, those little people have a chance to aggregate together and be made whole. I think we agree on that principle.

We want to make sure the companies that do something that is wrong or that are contemplating an action or behavior that is inappropriate or wrong, that they know if they get caught, they will pay a price, and class actions can help catch them at that and make sure they are put on notice. I think that is a principle on which we all agree.

A third principle is to make sure the defendant companies, if they are called on the carpet, can go to a court where they have a fair chance of defending themselves and presenting their case.

The last one is to try to do all of this in the context of not needlessly overburdening the Federal judiciary.

It is tough to balance all of those different principles, but I think on the legislation the Senator has authored and that some of us have been privileged to work with the Senator to help shape, we have come close to realizing those principles.

I wanted to say a special thanks to the Senator for his willingness to work with people on both sides of the aisle, to hear us out, to hear our ideas, and be willing to accept a number of the ideas we have put forward. My hope is at the end of this week we will have passed that legislation. It is a delicate compromise and balance and, God willing, our friends in the House of Representatives will accept that and the President will sign it into law.

I thank the Senator.